IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 13486 of 2007(E)
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PETITIONER:
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C.ABDUL AZEEZ, S/O.C.SEITH,
REPRESENTED BY HIS FATHER POWER OF ATTORNEY
HOLDER C.SEITH, S/O.MOIDEENKUTTY, CHAKKALAKKAL
HOUSE, KATTIKKALLI THOMATTICHAL, WAYANADU
DISTRICT.

BY ADV. SRI.M.V.ANANDAN

RESPONDENTS:
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1. REGIONAL MANAGER,
STATE BANK OF TRAVANCORE, REGIONAL OFFICE,
THIRUVANANTHAPURAM.

2. BRANCH MANAGER, STATE BANK OF
TRAVANCORE, KOTTAPPADI BRANCH, WAYANADU DISTRICT.

3. RECOVERY OFFICER,
DEBT RECOVERY TRIBUNAL, ERNAKULAM.

R1&2 BY ADV. SRI.M.PATHROSE MATTHAI (SR.)
SRI.SAJI VARGHESE
SMT.MARIAM MATHAI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE POWER OF ATTORNEY DULY EXECUTED.

P2: TRUE COPY OF THE PROCLAMATION OF SALE PUBLISHED IN THE NEWS PAPER DT.25.11.06 IN MATHRUBHOOMI DAILY.

P3: TRUE COPY OF THE CERTIFICATE ISSUED BY R2 DT.21.1.2007.

P4: TRUE COPY OF THE CIRCULAR DT.18.10.2006.

P5: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DT.24.1.2007.

P5(a): TRUE COPY OF THE POSTAL RECEIPT.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.13486 of 2007

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Dated this the 29th day of June, 2007.

JUDGMENT

While the case of the petitioner is that petitioner is not granted full incentives available to agriculturists, Standing Counsel for first respondent-Bank submitted that an amount of Rs.17,65,000/- is waived from petitioner's account as it is an agricultural loan and the balance due is only Rs.2,52,397/-. The petitioner has prayed for instalment facility to clear the arrears. Having regard to the financial difficulty expressed by the petitioner, petitioner is granted ten equal monthly instalments to clear the arrears with same rate of interest applicable for agricultural loans for the future. The petitioner will pay the first instalment on or before 31.7.2007 and the balance on or before the last day of succeeding months. Recovery proceedings will be kept in abeyance for payment as above and if there is default in payment of any instalment, the instalment facility will stand automatically cancelled and respondents will be free to proceed for recovery of entire arrears. Title deeds will be released only after arrears are settled.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms